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HARNESS, DICKEY & PIERCE, P.L.C.			EXAMINER	
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		ART UNIT	PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/731,322

## Applicant(s)

CHOPRA ET AL.

## Examiner

HANH B. THAI

## Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 31-46 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-46 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is Final Office Action in response to amendment filed on April 21, 2008.

Independent claims 31, 39 and 50 have been amended. Claims 1-30 and 47-49 have been cancelled. Claims 31-46 and 50 are pending in this application.

#### ***Response to Arguments***

1. Applicant's arguments with respect to claims 31-46 and 50 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 31-46 and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the independent claims 31, 39 and 50 recite negative claimed limitation of "looking for communication events with an address that cannot be identified by the database and is therefore an unidentified address" that have no structural meaning.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 31-46 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich (US 6,895,438 B1) in view of Asano et al. (US 6,633,902 B1).

Regarding claims 31 and 39, Ulrich discloses a communications management apparatus, comprising a networked computing means on which is provided:  
a translation agent (element 14, Fig.1) with access to usage data of a plurality of communications resources (col.3, lines 14-28; col.4, lines 59-67 and col.7, lines 17-55, Ulrich discloses telephone, email corresponding to “communication resources”); a database accessible to the translation agent and including data in a system-specific format to assist the translation agent to convert this to a common format (col.6, lines 52-67 and col.8, lines 5-10, Ulrich discloses converting various message types to durations: time-based format); and a processing agent, wherein said translation agent is arranged to consolidate the usage data of said plurality of communications resources by consulting said database and converting system-specific data to data having said common format (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-10, Ulrich); and said processing agent is arranged to identify unknown addresses present in the usage data but not contained in the database so as to mark unidentified addresses for identification (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Ulrich, however, does not explicitly disclose unassigned data management to perform the steps of looking for communication events with an address that cannot be identified; counting the number of times....if the count exceeds a pre-defined threshold. Asano discloses a multi protocol network that manages the communications within the network including monitoring data flow transmitted and detects the data flow exceeding a predetermined threshold value (col.2, lines 46-65; col.6, lines 43-53, Asano) in the manner similar to the claimed language. It would have

obvious tone one of ordinary skill in the art at the time of the invention was made to modify Ulrich to include the claimed feature as taught by Asano because it would have been to enhance the communication connection.

Regarding claims 32 and 40, Ulrich discloses wherein the processing agent causes a message to be sent where such an unknown address is detected a number of times above a pre-set threshold (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claims 33 and 41, Ulrich discloses wherein said threshold is defined as a pre-set number of occurrences within a pre-set time interval (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claims 34-35 and 42, Ulrich discloses wherein said message is sent to an address local to the networked computing means and associated with the communications event in which the unknown address was detected (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 36, Ulrich discloses wherein said local address is one correlated with the local address included in the communications event but associated with a different communications channel (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 37, Ulrich discloses wherein said message is sent via email 9col.4, lines 59-66, Ulrich).

Regarding claim 38, Ulrich discloses wherein said email message includes a link to a web page adapted to accept identifying information for the unknown address and to update the database accordingly (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 43, Ulrich discloses wherein said local address is one included in the communications event (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 44, Ulrich discloses wherein said local address is one correlated with the local address included in the communications event but associated with a different communications channel (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 45, Ulrich discloses wherein said message is sent by email (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 46, Ulrich discloses wherein said email message includes a link to a web page adapted to accept identifying information for the unknown address and to update the database accordingly (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 50, Ulrich discloses a communications management apparatus, comprising a networked computing means on which is provided:  
a translation agent with access to usage data of a plurality of communications resources (col.3, lines 14-28; col.4, lines 59-67 and col.7, lines 17-55, Ulrich discloses telephone, email corresponding to “communication resources”); a database accessible to the translation agent and including data in a system-specific format to assist the translation agent to convert this to a common format (col.6, lines 52-67 and col.8, lines 5-67, Ulrich discloses converting various message types to durations: time-based format); and a processing agent, wherein said translation agent is arranged to consolidate the usage data of said plurality of communications resources by consulting said database and converting system-specific data to data having said common format (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-10, Ulrich); and said processing agent is arranged to infer a duration for a communication event that does not have a recorded duration so

as to calculate costs for communications events (abstract and col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Ulrich, however, does not explicitly disclose unassigned data management to perform the steps of looking for communication events with an address that cannot be identified; counting the number of times....if the count exceeds a pre-defined threshold. Asano discloses a multi protocol network that manages the communications within the network including monitoring data flow transmitted and detects the data flow exceeding a predetermined threshold value (col.2, lines 46-65; col.6, lines 43-53, Asano) in the manner similar to the claimed language. It would have obvious to one of ordinary skill in the art at the time of the invention was made to modify Ulrich to include the claimed feature as taught by Asano because it would have been to enhance the communication connection.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Amdahl et al. (US 7,102,996 B1) disclose method and system for scaling network traffic managers.

2. Montano et al. (US 7,280,518 B2) disclose method of operating a media access controller.

3. Mardirossian (US 2004/0131160 A1) discloses system and method for monitoring individuals.

4. Simonazzi (US 2006/0079972 A1) discloses method and system for automatic addressing of a plurality of elements which communicate by means of a single bus.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on Mon-Thur (7:00AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hanh B Thai  
Examiner  
Art Unit 2163

July 23, 2008

/don wong/

Supervisory Patent Examiner, Art Unit 2163